

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LISHA MARIE BAILEY,

Plaintiff,

Case No. 20-cv-12752
Hon. Matthew F. Leitman

v.

JUDGE SANDRA HARRISON,

Defendant.

/

ORDER (1) VACATING ORDER TO SHOW CAUSE (ECF No. 5);
(2) DISMISSING ACTION WITHOUT PREJUDICE; AND
(3) TERMINATING APPLICATION TO PROCEED
IN FORMA PAUPERIS (ECF No. 2) AS MOOT

On October 5, 2020, Plaintiff Lisha Marie Bailey filed this action pursuant to 42 U.S.C. § 1983 against Judge Sandra Harrison, a judge on the Macomb County Probate Court. (*See* Compl., ECF No. 1.) In the Complaint, Bailey alleges that (1) Judge Harrison threatened to “lock [Bailey] in [a] mental hospital” and (2) “den[ied Bailey] a jury trial.” (*Id.*, PageID.4-5.) Johnson has also filed an application to proceed *in forma pauperis* in this action. (*See* Application, ECF No. 2.)

Upon review of Johnson’s Complaint, the Court questioned whether Bailey had pleaded a viable claim against Judge Harrison. For example, Bailey alleges that Judge Harrison “threatened” to send Bailey to a mental hospital. But Bailey does not allege that Judge Harrison took any steps to follow through on that threat. Nor does Bailey allege that she was sent to such a hospital. In addition, while Bailey claims that Judge Harrison

deprived her of her constitutional right to a jury trial, Bailey does not plead any facts showing that she actually had a Sixth Amendment right to a trial by jury.

For all of these reasons, on December 4, 2020, the Court ordered Bailey to show cause why it should not dismiss her Complaint. (*See Order*, ECF No. 5.) In the alternative, the Court told Bailey that she could file a First Amended Complaint addressing the pleading deficiencies identified in the Court's order. (*See id.*) The Court directed Bailey to respond to its order by January 15, 2021. (*See id.*, PageID.26.) And it told Bailey that if she did not respond to the order by that date, the Court would "dismiss her Complaint without prejudice." (*Id.*)

Bailey has not filed any response to the Court's order. Nor has she asked the Court for additional time to respond to that order. Therefore, **IT IS HEREBY ORDERED** that (1) the Court's December 4, 2020, order to show cause (ECF No. 5) is **VACATED**; (2) Bailey's Complaint (ECF No. 1) is **DISMISSED WITHOUT PREJUDICE** due to her failure to comply with the Court's order, and (3) Bailey's application to proceed *in forma pauperis* (ECF No. 3) is **TERMINATED AS MOOT**.

IT IS SO ORDERED.

Dated: February 25, 2021

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 25, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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